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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,417	02/11/2004	Peter Wang	2001076	4324

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EXAMINER

NGUYEN, HUNG

ART.UNIT	PAPER NUMBER
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2851

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,417

Applicant(s)

WANG, PETER

Examiner

Hung Henry V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 2, the recitation of “the step of choosing the photo feedback system is a decision of the photo feedback system (PFBS) suited to a host product or miscellaneous product” is ambiguous and indefinite. It is not clearly understood how to determine whether or not the chosen photo feedback system suited to the host product or the miscellaneous product, as claimed? Furthermore, since there are many products in the lithography operation, the meanings of “host product” and “miscellaneous product” are not clearly defined in the claims. It is not clearly understood what “host product”, the applicant refers to ? or what product in the operation is “miscellaneous product”, as claimed. Please explain and clarify.

As to claim 5, the meaning and scope of the recitation of “wherein the standard point... of the host product in a nearest operation” is vague and not clearly understood.

As to claim 7, the recitation of “the difference between the host product...the host product in the nearest operation” is ambiguous and not clearly understood.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. As best the claimed subject matters are understood (see rejection under 35 U.S.C. 112, second paragraph, *supra*). Claims are anticipated by references.

5. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Park (U.S.Pat. 6,825,912).

With respect to claims 1, 8 and 13, Park (figure 1) discloses a system and corresponding method of exposure error adjustment in a lithography for multiple products (semiconductor device) and comprising all of the steps as set forth in the instant claims including: choosing or selecting a photo feedback system (see col.2, lines 50 to col.3, line 15); providing a standard point (see col.3, lines 40-50; col.5, lines 40-45); providing a compensation difference (see col.3, lines 50-59; col.5, lines 50-52) and calculating a photo feedback system parameter to evaluate an

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adjustment value of each operation for automatic adjustment (see col.3, lines 65 thru col.4 line 39; see col.6, lines 29-61).

As to claim 2, Park teaches the step of choosing the photo feedback system is a decision of the photo feedback system suited to a host product or a miscellaneous product such as a semiconductor device or wafer or substrate.

As to claims 3-7, 9-12, Park further teaches the standard point for the host product/wafer is the photo feedback system parameter of the host product/wafer last process (see col.5, lines 5-17) and the compensation difference for the wafer comprising a difference between the wafer and the actual error of the of miscellaneous product last process (see col.6, lines 29-35).

As to claims 14-17, Park teaches the photo feedback system parameter is the adjustment critical dimension (CD) (see col.5, lines 45-50) and the compensation difference for the host product/wafer is an actual critical dimension (CD) loss of the host product last processed (see col.7, lines 45-53).

Prior Art Made of Record

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bode et al (U.S.Pat. 6,535,774) ; Toprac (U.S.Pat. 6,560,506); Kuo (U.S.Pat. 6,873,399); Miller et al (U.S.Pat. 6,643,557); each of which, discloses a method and apparatus for exposure error adjustment in photolithography.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V. Nguyen whose telephone number is 571-272-2124. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hung Henry V Nguyen
Primary Examiner
Art Unit 2851

hvn
8/27/05